

Message Text

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ACTION OES-06

INFO OCT-01 ARA-06 IO-13 ISO-00 FEAE-00 EB-08 NRC-05
SSO-00 NSCE-00 USIE-00 INRE-00 ERDA-05 CIAE-00
EUR-12 H-01 INR-07 L-03 NSAE-00 OIC-02 OMB-01
PA-01 PM-04 PRS-01 SP-02 SS-15 TRSE-00 DODE-00
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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 599
INFO USMISSION IAEA VIENNA

C O N F I D E N T I A L BOGOTA 2681

E.O. 11652: GDS
TAGS: ENRG, IAEA, TECH, PARM, MNUC, US, CO
SUBJ: EXPIRING AGREEMENT FOR NUCLEAR COOPERATION

REF: STATE 48126, IAEA VIENNA 1963

1. EMBOFF MET FOR THREE HOURS ON MARCH 21 WITH REPRESENTATIVES OF FOREIGN MINISTRY, MINISTRY OF MINES AND ATOMIC ENERGY INSTITUTE. THRUST OF GOC POSITION WAS THAT THEY CANNOT LEGALLY EXTEND THE PROVISIONS OF AN EXPIRED AGREEMENT AND CANNOT SIGN AN INTERNATIONAL AGREEMENT WITHOUT SUBMITTING IT TO CONGRESS. HOWEVER, SINCE ARTICLE 33 OF THE TRILATERAL SPECIFICALLY PROVIDES FOR EXTENSION OF THE SAFEGUARDS BEYOND THE EXPIRATION OF THE BILATERAL, THE GOC WILL SIGN THE TRILATERAL AND CAN EXCHANGE NOTES WHICH TIE OUR UNDERSTANDING TO IT.

2. THE WORDING SUGGESTED BY THE GOC, DETAILED BELOW, WOULD ALLOW THE GOC TO SIGN THE EXCHANGE OF NOTES. HOWEVER, GOC IS MORE WORRIED ABOUT THEIR NEED TO BUY TWO KILOS OF ENRICHED URANIUM THIS YEAR THAN ABOUT LEGAL TECHNICALITIES AND ARE ALSO CONCERNED LEST THEY HAVE TO RETURN THE
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EXISTING ELEMENTS IN THE ABSENCE OF AN UNDERSTANDING. IF THE WORDING SUGGESTED BELOW IS UNACCEPTABLE TO WASHINGTON, BELIEVE WE CAN OBTAIN GOC SIGNATURE ON OUR ORIGINAL NOTE IF WE CAN ASSURE THEM THAT WE WILL PROMPTLY EXPLORE ALL MEANS TO ALLOW THEIR SMALL PURCHASE AND IF THOSE EFFORTS HOLD FORTH A REASONABLE CHANCE FOR SUCCESS.

3. THE FOLLOWING CHANGE IN WORDING WOULD PERMIT GOC EX-CHANGE OF NOTES. THE FIRST TWO PARAGRAPHS OF THE US NOTE WOULD REMAIN THE SAME. THE THIRD PARAGRAPH WOULD READ AS FOLLOWS:

QTE THE GOVERNMENT OF THE UNITED STATES NOTES WITH APPRECIATION THE INTENTION OF THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA TO SIGN THE PROTOCOL PROLONGING THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS AND, THAT AS A CONSEQUENCE, THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AFFIRMS THAT IT WILL HOLD MATERIAL, EQUIPMENT AND DEVICES WHICH IT OR AUTHORIZED PERSONS UNDER ITS JURISDICTION HAVE RECEIVED UNDER THE AGREEMENT FOR COOPERATION, INCLUDING SPECIAL NUCLEAR MATERIAL PRODUCED BY THE USE OF SUCH EQUIPMENT OR DEVICES, SUBJECT TO THE TERMS AND CONDITIONS OF THAT AGREEMENT AND TO THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS WHICH WAS SIGNED AT VIENNA ON DECEMBER 9, 1970. THE SAFEGUARDS AND GUARANTEES OF THE TRILATERAL AGREEMENT SIGNED IN VIENNA SHALL CONTINUE IN FORCE AS THEREIN AGREED OR UNTIL MUTUALLY AGREED BETWEEN OUR TWO GOVERNMENTS. END QUOTE

4. PARAGRAPHS TWO AND THREE OF THE COLOMBIAN NOTE WOULD BE CHANGED TO READ AS FOLLOWS: QUOTE THE GOVERNMENT OF THE CONFIDENTIAL

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REPUBLIC OF COLOMBIA EXPRESSES ITS AGREEMENT WITH THE TERMS OF THE NOTE (BLANK) OF THE EMBASSY AND CONSIDERS THAT UNTIL AN AGREEMENT ESTABLISHES OTHERWISE IT WILL APPLY THE AGREEMENT REACHED IN THE PRESENT NOTES.

THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA DECLARES THAT NO MATERIAL, EQUIPMENT AND DEVICES, INCLUDING SPECIAL NUCLEAR MATERIAL PRODUCED BY THE USE OF SUCH MATERIAL EQUIPMENT AND DEVICES, SUBJECT TO THE AGREEMENT FOR COOPERATION, AS AMENDED WILL BE USED FOR ANY NUCLEAR EXPLOSIVE DEVICE, OR FOR RESEARCH ON OR DEVELOPMENT OF ANY SUCH DEVICE, REGARDLESS OF HOW THE DEVICE ITSELF IS INTENDED TO BE USED.

5. IN THE ABOVE WORDING COLOMBIA IS NOT TAKING ON AN OBLIGATION BEYOND THE TRILATERAL AND IS NOT RECOGNIZING THAT THE NOTES THEMSELVES IMPLY THE UNDERTAKING OF AN INTERNATIONAL OBLIGATION.

6. THE GOC HAD ONLY MINOR STYLISTIC CHANGES TO MAKE TO THE SUGGESTED PROTOCOL EXTENDING THE TRILATERAL. THE

ENGLISH VERSION OF THE PROTOCOL ON WHICH THE GOC WILL
SEND INSTRUCTIONS FOLLOWS IN A SEPARATE TELEGRAM.
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Message Attributes

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